

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

ZIH CORP.,)	
)	
)	
Plaintiff,)	CA No. 03-CV-12358-DPW
)	(Alexander, M.J.)
v.)	
)	
PAXAR CORPORATION)	
)	
Defendant.)	
)	

LOCAL RULE 16.1 JOINT STATEMENT

Pursuant to Fed. R. Civ. P. 26(f), Local Rule 16.1, and the Court's Notice of Scheduling Conference and Order for Joint Statement and Certifications, Plaintiff ZIH Corp. ("ZIH") and Defendant PAXAR Corporation ("PAXAR") have conferred with a view to establishing a schedule for discovery and other pretrial events. Having so conferred, the parties have agreed to and propose the following schedule:

PRE-DISCOVERY DISCLOSURES

The parties will exchange Rule 26(a)(1) disclosures by February 9, 2004.

DISCOVERY PLAN

The parties propose the following discovery plan:

1. Discovery will be needed on the following subjects:
 - a. Paxar's alleged infringement and non-infringement of U.S. Patent Nos. 5,813,343 ("the '343 patent") and 5,860,753 ("the '753 patent");
 - b. Paxar's alleged willful infringement and alleged non-willful infringement of the '343 and '753 patents;
 - c. Prior art and alleged invalidity of the '343 and '753 patents;

- d. Alleged unenforceability of the '753 patent;
- e. ZIH's alleged failure to comply with 35 U.S.C. § 287; and
- f. ZIH's alleged damages.

2. Except as provided herein, the parties propose no changes to the limitations on discovery imposed under the Federal Rules of Civil Procedure. The parties clarify that depositions pursuant to Rule 30(b)(6) shall constitute a single deposition even though the parties may depose multiple persons with relevant knowledge. The parties may take more than one deposition pursuant to Rule 30(b)(6) of a party. Each deposition of a party pursuant to Rule 30(b)(6) must cover different topics than any other deposition of that party and must otherwise conform to the requirements for depositions of Rule 30. Each deposition of a party pursuant to Rule 30(b)(6) shall be counted to determine the number of depositions taken by a party under Rule 30.

3. The parties agree that there will be no limit on the number of document requests and requests for admission that may be served upon another party.

4. The parties will complete fact discovery by August 1, 2004.

5. Expert Reports under Fed. R. Civ. P. 26(a)(2)(B) for the party bearing the burden of proof are due by September 1, 2004. The parties' Expert Rebuttal Reports are due October 1, 2004.

6. The parties will complete expert discovery by November 1, 2004.

OTHER ITEMS

1. The parties shall have until May 7, 2004 to move to join additional parties and to amend the pleadings.

2. The parties must file motions potentially dispositive of a claim or defense on or before November 15, 2004. Oppositions to such motions must be filed within thirty days thereafter. Replies in support of the motions must be filed within twenty-one days after the filing of Oppositions.

3. The parties request a final pretrial conference on February 15, 2005.

4. This case should be ready for trial by March 1, 2005.

5. The parties do not both consent to trial before a Magistrate Judge.

6. The parties' respective certifications pursuant to Local Rule 16.1(D)(3) are attached as Exhibits A and B.

Date: January 19, 2004

Respectfully Submitted,

/s/ Erik Paul Belt

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